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BLM is violating letter, intent of act

The regulations implementing National Environmental Policy Act spell out quite clearly that the requirement to prepare an EIS is an "action-forcing" mechanism to make sure federal agencies act according to the letter and spirit of NEPA. An EIS is a means to ensure that environmental information is available to federal officials and citizens before decisions are made and actions taken. An EIS is intended to help public officials make decisions that are based on understanding of environmental consequences, and to take actions that protect, restore and enhance the environment when possible and feasible.

Congress clearly intended that an EIS be accessible to and understandable by the public. The regulations state that "Environmental impact statements shall be written in plain language ... so that decision makers and the public can readily understand them." Further, they state that the heart of an EIS "should normally be less than 150 pages and for proposals of unusual scope or complexity shall normally be less than 300 pages."

Currently out for public review is the U.S. Bureau of Land Management's draft EIS for the revision of resource management plans for BLM lands in Western Oregon. It comes in three volumes, weighs almost 10 pounds, and contains 1,606 pages. So much for "understandable by the public."

Given the demonstrated wealth of data available to the BLM, together with an impressive array of data handling and analytical techniques, as well as lessons learned over the past decade while trying to operate under the Northwest Forest Plan, the BLM's Draft EIS could be and should be a paragon of compliance with the intent of NEPA.

It is not.

NEPA requires an objective and rational analysis of all reasonable alternatives for meeting a correctly identified purpose and need. The BLM has carefully narrowed the description of the purpose and need in an apparent attempt to justify limiting and narrowing the subsequent consideration of alternatives to an extremely small range of options that are all variations on a pre-selected theme. As a result, the draft EIS comes across, not as a viable tool to document and facilitate a decision process, but rather, as a justification for a decision made prior and external to the EIS process.

This is a direct violation of the letter and intent of NEPA.

For more than 20 years, the BLM has been attempting to integrate the requirements of the Endangered Species Act with the O&C timber program by considering only the needs of those species formally listed as threatened or endangered. The BLM has failed to learn the futility of this approach, even though the abject failure to maintain timber production under the Northwest Forest Plan provides ample evidence. The BLM refuses to recognize that the scarce resource is not spotted owls, marbled murrelets, nor any of the 300 plus other plants and animals associated with old-growth timber that are awaiting their turn to jam the timber production machinery. The scarce resource is the old-growth ecosystem itself.

The purpose and need for a land-use plan revision for the BLM lands is not, as the BLM states, to find a way to "conserve habitat needed from these lands for the survival and recovery of species currently listed as threatened or endangered under the Endangered Species Act." The real need is for the BLM to: recognize the scarce nature of functioning old-growth stands across all ownerships within Western Oregon; determine the role played by the remaining remnants of old-growth on BLM lands within Western Oregon in order to

meet the primary purpose of the ESA, which is the conservation of the ecosystem upon which endangered species depend; and seek ways to integrate the ecosystem requirements of the ESA within the timber production mandate of the O&C Act.

Once the purpose and need for a plan revision are properly described, the BLM could then move on to develop a comprehensive and realistic range of alternative ways to serve the stated purpose and meet the identified need which could then be analyzed in accordance with the mandates of NEPA.

Only a planning effort that effectively addresses the role that BLM old-growth can and should play in maintaining a viable distribution of the old-growth ecosystem across all ownerships throughout Western Oregon has any hope of maintaining a predictable and uninterrupted flow of timber from the O&C lands. Unless substantive changes are made between BLM's Draft EIS and Final EIS, we can expect yet another decade of continuing lawsuits, appeals, and protests.

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